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Of Attorneys for Defendants Maytag Corporation and Fedders Corporation

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

DAVID AND MARGE BERG,

Plaintiffs,

v.

NORGE CORPORATION, et al.,
Defendants.

Case No. A00-151CV (JWS)

**STIPULATED MOTION AND ORDER OF
DISMISSAL WITH PREJUDICE**

WHEREAS, Plaintiffs David and Marge Berg have reached an agreement for the settlement of this action with defendants Maytag Corporation and Fedders Corporation; and

WHEREAS, a Settlement Agreement reflecting the settlement of this action has been executed by all parties; and

WHEREAS, the Settlement Agreement provides, among other things, for the dismissal of this action with prejudice and without attorneys fees or costs to be awarded to either side; and

WHEREAS the parties hereto agree that the Court will expressly retain jurisdiction with respect to future performance of, and any claims related to performance of, the terms of the settlement; and

WHEREAS all conditions precedent to the dismissal of this action have been completed.

NOW, THEREFORE, the undersigned parties and their counsel hereby stipulate and agree as follows:

1. Pursuant to Rules 41(a) and (c) of the Federal Rules of Civil Procedure, DAVID and MARGE BERG, MAYTAG CORPORATION and FEDDERS CORPORATION, by and through their attorneys of record, stipulate to dismiss the Fourth Amended Complaint filed by plaintiffs in this matter with prejudice. Each party is to bear its own attorneys fees and costs.

2. The Court shall retain jurisdiction with respect to future performance of, and any claims related to performance of, the terms of the settlement.

IT IS SO STIPULATED.

Dated: October 16th, 2007

DAVID and MARGE BERG

By: 

Michael Flanigan, Attorneys for David and Marge Berg

Dated: October 11th, 2007

MAYTAG CORPORATION
FEDDERS CORPORATION

By: 

Seth H. Row, Attorneys for Maytag Corporation and Fedders Corporation

ORDER

Based on the foregoing stipulation, the Court hereby orders as follows:

1. This case, including each of the causes of action in Plaintiffs' Fourth Amended Complaint, is hereby dismissed with prejudice; and,
2. The parties are to bear their own attorneys fees and costs; and,
3. The Court shall retain jurisdiction with respect to future performance of, and any claims related to performance of, the terms of the settlement.

IT IS SO ORDERED.

DATED at Anchorage, Alaska this ____ day of _____, 2007.

JOHN W. SEDWICK
UNITED STATES DISTRICT JUDGE